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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/521,286

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EXAMINER

GUHARAY, KARABI

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/521,286	<b>Applicant(s)</b> STEEN ET AL.	
	<b>Examiner</b> Karabi Guharay	<b>Art Unit</b> 2889	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment, filed on 10/23/09.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 24,35-39,59,72-76,91,96-100 and 123-127 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24,59 and 91 is/are allowed.
- 6) ☒ Claim(s) 35,72,96 and 123 is/are rejected.
- 7) ☒ Claim(s) 36-39,73-76,97-100 and 124-127 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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***Response to Amendment***

Amendment, filed on 10/23/09 has been considered and entered.

Claims 1-23, 25-34, 40-58, 60-71, 77-90, 92-95, 101-122 and 128-135 are canceled.

Claims 24, 35-39, 59, 72-76, 91, 96-100 and 123-127 are now pending.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Amended Claims 35, 72 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 35 recites the limitation "said carrier" in line 12. There is insufficient antecedent basis for this limitation in the claim.

Claim 72 recites the limitation "said base substrate" in line 8. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 35, 123 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennion (US 4,774,434), and in view of Hochstein (US 2001/0030866) further in view of Nakamura et al. (US 5833347).

Regarding claim 35, Bennion discloses a light source (Fig 10) comprising at least one light emitting diode (LED) assembly, said LED assembly including a base substrate (102), said base substrate including base solder or stud bumps, a sub-mount substrate (104) mounted on the base substrate, said sub-mount substrate including sub-mount solder or stud bumps (109), and an LED semiconductor chip (100) mounted on the sub-mount substrate (100) and in electrical contact with the sub-mount solder or stud bumps, said LED semiconductor chip being electrically coupled to the base substrate (102) through electrical vias (105) extending through the sub-mount substrate (104) that are in electrical contact with the base substrate solder or stud bumps and the sub-mount solder or stud bumps (lines 35-64 of column 12), and a carrier (circuit board 101).

But, Bennion fails to disclose that LED assembly is being used as a vehicle lamp, where a single LED assembly is provided for each lens.

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However, Hochstein teaches that pluralities of LEDs are commonly used as light source for a vehicle headlight, having a head light housing (see Fig 1; paragraph 24), a single LED assembly is provided for each lens, where LED assembly is sealed from environment.

Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate LED assembly of Bennion as a light source for the vehicle head light, since LED assembly is suitable light source commonly used as vehicle light as taught by Hochstein.

Further, Bennion in view of Hochstein fail to disclose that the carrier being pivotally mounted to the headlight housing by an adjuster and a pivot element so as to direct the headlight in two-axis of freedom.

However, Nakamura et al. discloses a vehicular head lamp having a carrier (20) and a housing (11) where said carrier being pivotally mounted to the head light housing by an adjuster (35) and a pivot element (ball member 36) so as to direct the head light in two-axis of freedom (lines 4-32 of column 5) in order to rotate the headlamp so as to achieve movable type headlamp.

Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate an adjuster and a pivot element so as to pivotally mounting the carrier to the head light housing, as taught by Nakamura et al. in the device of Bennion & Hochstein, in order to achieve a movable type headlamp.

Claim 72, 96 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hochstein (US 2001/0030866) further in view of Nakamura et al. (US 5833347).

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Regarding claim 72, Hochestein discloses a light source (Fig 1) comprising at least one light emitting diode assembly the LED assembly including an LED semiconductor chip (18) being electrically coupled to the substrate (32), said LED assembly further including a molded primary optics (26) formed over the LED assembly in contact with the substrate so that there is no air gap between the primary optics and the LED chip; a carrier (30), the substrate (32) is mounted to the carrier and a head light housing (40).

But, Hochestein fail to disclose that the carrier being pivotically mounted to the headlight housing by an adjuster and a pivot element so as to direct the headlight in two-axis of freedom.

However, Nakamura et al. discloses a vehicular head lamp having a carrier (20) and a housing (11) where said carrier being pivotically mounted to the head light housing by an adjuster (35) and a pivot element (ball member 36) so as to direct the head light in two-axis of freedom (lines 4-32 of column 5) in order to rotate the headlamp so as to achieve movable type headlamp.

Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate an adjuster and a pivot element so as to pivotically mounting the carrier to the head light housing, as taught by Nakamura et al. in the device of Bennion & Hochestein, in order to achieve a movable type headlamp.

Regarding claim 96, Hochestein discloses a vehicle headlamp (fig 1) comprising at least one headlight unit including an including an optical structure (inner surface of element 40), said at least one headlight unit further including a plurality of spaced apart primary optic lenses (26) optically coupled to a front face of the optical structure, said at least one headlight unit further including a plurality of light emitting diode (LED) assemblies, where a single LED assembly is

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provided for each lens, wherein each LED assembly emits a beam of light that is focused and directed by the elongated lens and is collected and directed by the optical structure to be emitted from the front face of the optical structure as a single beam of light, wherein each LED assembly in the plurality of LED assemblies provides a portion of the intensity of the entire light pattern; and a common carrier (30) plurality of LED being mounted to the carrier, a headlight assembly (40).

But, Hochestein fail to disclose that the carrier being pivotally mounted to the headlight housing by an adjuster and a pivot element so as to direct the headlight in two-axis of freedom.

However, Nakamura et al. discloses a vehicular head lamp having a carrier (20) and a housing (11) where said carrier being pivotally mounted to the head light housing by an adjuster (35) and a pivot element (ball member 36) so as to direct the head light in two-axis of freedom (lines 4-32 of column 5) in order to rotate the headlamp so as to achieve movable type headlamp.

Thus it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate an adjuster and a pivot element so as to pivotally mounting the carrier to the head light housing, as taught by Nakamura et al. in the device of Bennion & Hochestein, in order to achieve a movable type headlamp.

***Allowable Subject Matter***

Claims 24, 59, and 91 are allowed over the prior art of record.

Claims 36-39, 73-76, 97-100 and 124-127 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is a statement of reasons for the indication of allowable subject matter:

Regarding claims 36, 73, 97, 124, the prior art of record neither shows nor suggests a flexible boot being mounted to the carrier and the headlight housing.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karabi Guharay whose telephone number is 571-272-2452. The examiner can normally be reached on Monday-Friday 9:00 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minh-Toan Ton can be reached on 571-272-2303. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Karabi Guharay/

Primary Examiner, Art Unit 2889



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